

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DANIEL ORIAKHI,	:	
	:	Civil Action No. 09-1444 (RMB)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
MICHAEL W. CARROLL, et al.,	:	
	:	
Defendants.	:	

For the reasons expressed in the Opinion filed herewith,

IT IS on this 23rd day of October 2009,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court shall file the Complaint and the Amended Complaint without prepayment of fees or security; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the U.S. Attorney for the District of New Jersey and the warden of the U.S. Penitentiary at Beaumont, Texas; and it is further

ORDERED that all claims allegedly arising out of Plaintiff's confinement in the Special Housing Unit or other confinement outside of the general population, between April and October of 2007, are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that all claims against Defendant William Langehennig are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the access-to-courts claim is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Plaintiff's pendent state-law tort claim against Defendant Laureano Reyes is **DISMISSED WITHOUT PREJUDICE** or, in the alternative, to the extent this **Court can exercise jurisdiction, the claim is DISMISSED WITH PREJUDICE**; and it is further

ORDERED that this dismissal shall count as a "strike" for purposes of 28 U.S.C. § 1915(g); and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's institutional account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his institutional account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's institutional account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Clerk of the Court shall close the Court's file in this matter.

s/Renée Marie Bumb
Renée Marie Bumb
United States District Judge